UNITED
NATIONS

CCPR

International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/73/L/UKR
31 August 2001

Original: ENGLISH

HUMAN RIGHTS COMMITTEE
Seventy-third session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FIFTH PERIODIC REPORT OF UKRAINE (CCPR/C/UKR/99/5)

Constitutional and legal framework within which the Covenant is implemented and permissible derogations in time of public emergency (arts. 2 and 4)

1. What changes are envisaged in the new Constitution regarding the protection of Covenant rights, in particular those referred to in article 55 (paras. 31-35 of the report)?

2. What is the status of Covenant rights in the legal system in force in the State party?

3. What measures has the State party adopted to implement the views of the Human Rights Committee under the Optional Protocol and to implement the Committee's concluding observations?

4. Please provide information on the functioning of the Office of the Ombudsman and the number of complaints received since it began to function.

5. Please provide information on the legal norms concerning states of emergencies and their conformity with article 4 of the Covenant.

Non-discrimination, prohibition of advocacy of hatred and protection of minorities (arts. 2, 20, 25-27)

6. Please comment on the implementation of articles 26 and 27 in relation to ethnic groups, especially the Roma.

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7. Please comment specifically on the situation of the Crimean Tartars, who are reportedly unable to participate fully in the political process, notably because of denial of citizenship to many of them.

Gender equality (art. 3)

8. What measures are being taken to enhance the status of women in public life, particularly in the political area and public service? Please provide further information on the participation of women in the economic sector and measures to ensure equal pay for men and women.

9. What measures are being taken by the State party to combat violence against women, including domestic violence and rape (para. 154 of the report)?

The right to life (art. 6)

10. Please provide information about the draft Penal Code, which has been before the Supreme Council, (paras. 81-91 of the report). Please comment on any relevant judgements, if appropriate.

Prohibition of slavery (art. 8)

11. In the light of reports that a significant number of women and girls are subjected to trafficking for purposes of prostitution, please indicate what measures the State party has taken to combat these practices (para. 153).

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment; liberty and security of person; humane treatment; right to a fair trial (arts. 7, 9, 10 and 14)

12. What mechanisms exist for investigation into complaints concerning torture and ill-treatment committed by police officers, officials of the Ministry of Internal Affairs, security forces and prison officials (paras. 130, 131)?

13. Please explain what measures have been adopted to prevent excessive use of force by the police, including arbitrary detention and other abuses. Please give details about the prosecution of police officers accused of such acts.

14. Given the large number of prisoners in pre-trial detention, please explain whether the law and practice of the Ukraine is in conformity with the provisions of article 9 of the Covenant. What is the average duration of pre-trial detention?

15. Please explain the nature and the competence of the body of inquiry mentioned in paragraph 174 of the report and whether its procedures are in conformity with article 9, paragraph 3, of the Covenant.

16. Please give details concerning the present conditions of detention in prisons and other places of detention. What measures are being taken by the State party to ensure compliance with

article 10 of the Covenant? Please provide statistics on the prison population, average cell occupancy and the percentage of convicted prisoners in relation to non-convicted prisoners.

17. In relation to paragraph 225 of the report, what measures are being taken to ensure compliance with article 10, paragraph 3, with respect to juvenile offenders?

Freedom of movement and protection of aliens (arts. 12 and 13)

18. Please explain whether the system of internal permits ("propiska") is still in effect, in law or in practice. If it remains in effect, are measures envisaged to abolish it?

19. Is the principle of non-refoulement respected in practice in the State party for individuals seeking asylum?

20. Is the system of exit visa mentioned in paragraph 279 of the report consistent with article 12, paragraph 2, of the Covenant?

21. Concerning paragraph 295 of the report, please explain the procedures governing appeals against an expulsion order, which courts are competent to deal with such appeals and whether appellants are entitled to legal aid for the purpose.

Privacy (art. 17)

22. Please elaborate on the restrictions on freedom and privacy of correspondence and all other forms of communication that are provided by law for the protection of State security and the conduct of criminal proceedings (paras. 405 and 407).

Freedom of thought, conscience and religion (art. 18)

23. Please give information on the requirements for registration of religious organizations and the implications of these requirements, if they exist, for the provisions of article 18 of the Covenant (paras. 439, 440, 450, 456, 460 and 465).

Freedom of opinion and expression (art. 19)

24. Please explain how the very broad possible restrictions on the right of freedom of expression and opinion referred to in paragraphs 497, 499 and 510 of the report are considered compatible with article 19 of the Covenant.

Freedom of assembly (art. 21); and association (art. 22)

25. Please explain how the restrictions that may be imposed on the exercise of the right to freedom of assembly (paras. 530 and 535) and of the right to freedom of association (paras. 542, 546 and 567) are considered compatible with articles 21 and 22 of the Covenant, respectively.

The family and the rights of the child (arts. 23 and 24)

26. With reference to paragraph 623 of the report, please provide further information on measures taken to ensure compliance with articles 23 and 24 of the Covenant, especially as far as vulnerable children are concerned.

Participation in the conduct of public affairs (art. 25)

27. Please indicate whether there are any restrictions on the right to form political parties and to take part and vote in periodic elections. (paras. 680, 687).

Dissemination of information relating to the Covenant (art. 2) and the Optional Protocol

28. Please indicate the steps taken to disseminate information on the submission of reports and their consideration by the Committee, and in particular on the Committee's concluding observations. Please also provide information on education and training on the Covenant (art. 2) and its Optional Protocol provided to all categories of public officials, in particular to schoolteachers, judges, lawyers and police officials.